

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America  
v.

GARY LEWIS DAVIS

Date of Previous Judgment: 11/26/1990  
(Use Date of Last Amended Judgment if Applicable)

)  
)  
) Case No: 3:90CR00085-007  
) USM No: 08282-058  
) Tanzania Cannon-Eckerle  
) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 660 months **is reduced to** 624.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 42 Amended Offense Level: 38  
Criminal History Category: IV Criminal History Category: IV  
Previous Guideline Range: 360 to life months Amended Guideline Range: 324 to 405 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): The recommended sentence of 624 months includes sentence of 324 months on Count One and a consecutive sentence of 300 months for Counts 16, 28 & 29 which are violations of 18 U.S.C. § 924(c), for a total term of 624 months.

**III. ADDITIONAL COMMENTS**

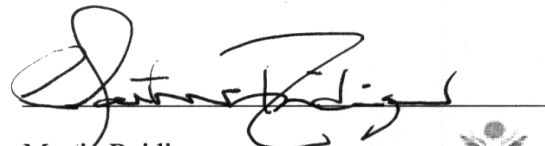
Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation

Except as provided above, all provisions of the judgment dated 11/26/1990 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: September 15, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)

  
Martin Reidinger  
United States District Judge 